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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 91 of 2013
Cuttack the 19th day of March, 2013

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)

.....

Jagabandhu Sahoo,
Aged about 58 years,
S/o.Late Fakir Charan Sahoo,
Junior Technician,
ESI Dispensary Kuarmunda,
Dist.Sundargarh
Resident of Village Amhunia Patna,
Po.Rasulpur,
Ps.Kakatpur,
Dist.Puri

.....Applicant

(Advocates: M/s.S.Patra-I,B.Sahoo)

VERSUS

Union of India represented through -

1. Director General,
Employees State Insurance Corporation,
Head Quarters Office Panchdeep Bhawan,
CIG Road,
New Delhi-110 002.
2. Medical Commissioner,
E.S.I. Corporaton,
Headquarters Office,
Panchdeep Bhawan,
CIG Marg,
New Delhi-110 002.

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3. Medical Superintendent,
ESIC Mudel Hospital,
Rourkela-4.

4. Director,
E.S.I. Scheme,
Odisha,
Bhubaneswar,
Dist. Khurda.

.....Respondents

(Advocate: Mr.B.P.Ray)

O R D E R

(Oral)

A.K.PATNAIK, MEMBER (I):

Heard Mr.S.Patra-1, Learned Counsel appearing for the Applicant and Mr.B.P.Ray, Learned Counsel appearing for the Respondent Nos.1 to 3 (on whom copy of this OA has been served) and perused the pleadings and materials in support thereof.

2. Applicant has filed this Original Application U/s.19 of the A.T.Act, 1985 ^{alleging} ~~branding~~ the action of the Respondents as ^{Al} illegal, arbitrary and violative of Articles 14 & 16 of the Constitution of India, with prayer to direct the Respondent Nos. 1 to 3 to release his arrear dues with 12% interest.

3. I find that there being no response to the repeated representations submitted by the applicant seeking release of his dues, the applicant served a legal notice for release of his dues and

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after receipt of such legal notice, as it appears, the Medical Superintendent of the ESIC Model Hospital, Rourkela-4 wrote letter on 19.10.2012/20.10.2012 (Annexure-A/11) to the Medical Commissioner, ESI Corporation Hqrs, Office, Panchdeep Bhawan, CIG Marg, New Delhi relevant portion of which is reproduced below:

“In this connection, it is to inform that the post of Lab. Technician along with other staff in respect of this hospital have been circulated vide letter No. W-16/18/1/ESIC/Chinchwad/2003-Med.IV dated 10.01.2006 on the basis of which the Medical Superintendent is empowered to release their dues. But since before 10.01.2006 no post was sanctioned, the period from 01.05.2003 to 09.01.2006 may kindly be approved so that they can get their dues in the deputation post as per their option.”

4. From the above it appears that for no fault of the applicant his dues have not been paid till date. Mr.Patra-1, Learned Counsel for the Applicant submitted that the applicant has neither received his dues nor any communication till date and has unnecessarily been continuing with mental stress and strain. Mr.Ray, Learned Counsel for the Applicant is also not aware of the up-to-date position after the letter dated 19.10.2012/20.10.2012 (Annexure-A/11).




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5. In the above premises, keeping this matter pending awaiting the reply may cause delay in getting the dues if the applicant is otherwise entitled to. Hence, as agreed to by Learned Counsel for the Applicant, without expressing any opinion on the merit of the matter, this OA is disposed of at this admission stage with direction to the Respondent No.2 to communicate his decision on the letter dated 19.10.2012/20.12.2012 (Annexure-A/11) in a reasoned order to the Applicant, if not already done so, within a period of 60(sixty) days from the date of receipt of copy of this order. There shall be no order as to costs.

6. As prayed for by Learned Counsel for the Applicant, copy of this order along with OA be transmitted to the Respondent Nos.2&3 by post at his cost; for which Learned counsel for the Applicant undertakes to furnish the requisite postage.


(A.K.PATNAIK)
Member (Judicial)